

Serial No. 10/721,594; Navy Case No. 95907

REMARKS

Claims 3-8 and 10-29 remain in the application. Claims 3, 4, 7, 10-12 and 28 (second occurrence) have been amended. Claims 1-2 and 9 have been canceled.

Patent Office Claim Objections

The Examiner indicated that there are two claims numbered 28 in the application.

Applicant's Response to the Claim Objections

Applicant has renumbered Claim 28 (second occurrence) as Claim 29. The objection to these cited claims should now be overcome. Removal of the objections is respectfully requested.

Patent Office Rejection of Claims 1-2, 9, 13, 19 and 23 under 35 USC 102(b) on the basis of Button

The Examiner indicates that Button discloses the elements of the cited claims.

Applicant's Response to the Rejection of the Claims under 35 USC 102(b)

Applicant has canceled Claims 1, 2 and 9. Accordingly the rejection of these claims is now moot.

Regarding the 35 USC 102 rejections of Claims 13, 19 and 23, all of these claims contain the element of a pair of asymmetrical cones.

The cones of Button are symmetrical, and there is no teaching therein of utilizing asymmetrical cones as is taught and claimed by Applicant in the above-referenced rejected claims.

Because Button does not teach each and every element of Applicant's claims, the 35 USC

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rejection of claims 13, 19 and 23 on the basis of Button is considered improper.

Removal of these rejections is therefore respectfully requested.

Patent Office Rejection of Claim 3 under 35 USC 103 on the basis of Button in view of Strickland

The Examiner indicates that Claim 3 is unpatentable over Button in view of Strickland. The Examiner asserts that Button discloses every feature of the claimed invention except the cones being asymmetric. The Examiner states that Strickland discloses upper cone and lower cone being asymmetric. Column 8, lines 23-25 is cited.

Applicant's Response to the Rejection of Claim 3 under 35 USC 103

Applicant traverses the rejection of Claim 3 based upon Button and Strickland. As correctly stated by the Examiner, Button fails to disclose asymmetric cones. Strickland also does not disclose asymmetric cones. Strickland's cones are each symmetric.

Strickland's cones are however asymmetric with respect to each other. Strickland states in column 8, lines 22-25, that:

“...each structure of the bicone comprises a truncated cone ... that is asymmetrical relative to an opposing cone.”

Strickland does not suggest or teach the use of asymmetric cones, as Applicant has claimed. Instead Strickland teaches the use of symmetrical cones that are asymmetric relative to each other.

Claim 3 has been amended to incorporate all of the features of Claim 1 from which it depends and of course continues to include the feature of original claim 3, that of cones that are

asymmetric.

Because of the lack of a suggestion within the Button and Strickland references of utilizing asymmetric cones, Applicant considers that 35 USC 103 rejection of claim 3 based upon these references to be improper. Accordingly, removal of the rejection is respectfully requested.

Allowable Subject Matter

Claims 4-8, 10-12, 14-18, 20-22, 24-28b are objected to as being dependent upon a rejected base claim but are considered allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's Response to Allowable Subject Matter

Claims 4-8 have been amended as suggested by the Examiner. Please note that claims 5, 6 and 8 have been left in their original dependent form, however these claims now depend from the independent forms suggested by the Examiner. Claims 10-12 have been placed into the independent form suggested by the Examiner.

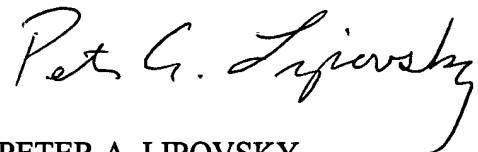
Claims 14-18, 20-22 and 24-28b (the latter now re-numbered as claim 29), have been left in their original form based upon the a presumption that the Examiner will withdraw the 35 USC 102 rejection of the claims from which these claims depend, namely claims 13 and 23. The Examiner has agreed that the Button reference does not contain a description of asymmetric cones, as claimed by Applicant in these claims. Applicant considers the rejection of claims 13 and 23 based upon Button to have been an inadvertent error on the part of the Examiner and therefore the above immediately referenced claims have not been amended as has been suggested. No disrespect is intended to be shown the Examiner in this regard.

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The application should be in condition for allowance. A Notice of Allowance is respectfully requested.

Any inquiry concerning this case should be directed to Applicant's attorney, Mr. Peter Lipovsky at (619) 553-3824.

Respectfully submitted,
by



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